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REMARKS

ON THE

LETTER

OF THE

RT. HON. EDMUND BURKE,

CONCERNING THE

REVOLUTION IN FRANCE,

AND ON

THE PROCEEDINGS IN CERTAIN SOCIETIES IN LONDON, RELATIVE TO THAT EVENT.

ΑΛΗΘΕΙΗ. 'ΑΡΕΤΗ. 'ΕΛΕΥΘΕΡΙΗ.

I have no Compliments or Invectives for Parties. I have no political Attachments but to TRUTH, VIRTUE, *and* LIBERTY: *and am ambitious of no Friends or Enemies but theirs.*

BY CAPEL LOFFT.

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—DUBLIN,—

PRINTED BY GRAISBERRY AND CAMPBELL,

FOR P. WOGAN, P. BYRNE, J. MOORE, J. JONES, A. GRUEBER, W. JONES, R. WHITE, AND J. RICE.

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REMARKS

ON THE

REFLECTIONS

OF THE

Right Hon. EDMUND BURKE,

CONCERNING THE

REVOLUTION IN FRANCE, &c.

IN whatever ſtate of mind, whether of tranquillity or of diſtreſs, events which muſt conſiderably affect the welfare of any part of the human ſpecies, cannot be indifferent to an human being, duly ſenſible of his relations as ſuch, and their correſpondent duties. Extreme and frivolous muſt have been that vanity indeed, or more wretched and incongruous ſtill any other ſelfiſh motive, which could have induced me,

at this time, to take the pen with the deſign of animadverting on the publication of Mr. Burke, compoſed deliberately and with ſtudy, on one of the greateſt and moſt ſingular of all national occurrences ever tranſmitted to mankind in the hiſtoric page; the Revolution of France: and containing, with many principles to which it is impoſſible that I ſhould wiſh a permanent celebrity, (and theſe ſuch as to affect the very baſis of the work) many remarks which I think it merely an obligation of candour to acknowledge as equally acute and ſolid; remarks which may yet, I hope, have a beneficial effect on the preſent day; and which, in deſcending to poſterity, will not fail of approbation.

There are two queſtions which naturally occur in contemplating the paſt and preſent ſituation of France. Whether a Revolution, or great change in the government, by the interference of the power of the people, was neceſſary to the ſecurity and welfare of that nation;—and how far the means employed, the principles adopted, and the ſyſtem actually introduced, have been promotive of the ſucceſs of thoſe only adequate inducements for hazarding the evils which always muſt be hazarded in the production of any great and general change. And theſe two queſtions, with the evidence proper to decide them, more particularly belong to the French Nation itſelf.

There

There is a third, and moſt extenſively important, queſtion: how far the Revolution in France, either as a fact or as an example, is intereſting to this, and to other nations: what ſentiments and conduct it ſhould inſpire; and what conſequences it tends to produce.

This arrangement, which ſeems to flow from the ſubject, can have but one inconvenience to the reader; and that, when once intimated, will probably not be conſidered as any: it will oblige me to examine laſt ſome conſiderations on the conduct of individuals and public bodies in this country, which Mr. Burke has placed in the van of his argument: but as with him they recur as objects of attack, and are complimented with a ſort of platoon firing through the ſeveral diviſions of his main body, and with me they will be found only in the poſt aſſigned to them in the rear, I may without much preſumption believe no material degree of confuſion can take place from this difference in arranging the ſubject. As to the firſt it may be obſerved, that the ordinary or extraordinary powers of the ſubſiſting government had appeared inadequate to the exigence in the opinion of the French Monarch himſelf and his adviſers: particularly of Mr. Neckar; whoſe attachment either to the juſt intereſts of the crown or the rights of the people appears, ſo far as I have yet learnt, unexceptionable.

When it was neceſſary for the maintenance of public credit, and for the ſupport of the honour of the crown, to reſort to ſome ſyſtem of political organization, which might create a body inveſted with the confidence and repreſenting the will of the people, it was neceſſary to make a change in the mode of adminiſtering the government; which if permanent, muſt amount to a Revolution: and aſſuredly it was too much to expect, that the people ſhould ſubmit to a temporary arrangement for the advantage of a part of the ſtate, and not aim at a laſting proviſion for the whole.

At that time precedents were interruptedly, and thinly ſcattered through a long period of time, and extremely various with reſpect to the formation of an aſſembly of the ſtates. After various inſtructions from the provinces, the King iſſued a declaration: a copy of this was tranſmitted to me in manuſcript, by a friend then at Paris: and whoſe ſervices to human ſociety, in a line not uſually comprehended within the ſyſtem of politics, have been ſignal, and of exemplary perſeverance: I hope that I am not at liberty to name him: and that his preſent illneſs will not rank him among thoſe of whom it is allowed to ſpeak, without wounding delicacy, and without incurring envy. It ſtruck me, *that* Declaration entered too much into the detail; that

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it was unſatisfactory, and liable to evaſion in ſome very material, but yet ſubordinate, points; and that as to others of really primary importance, it prematurely anticipated what might, with better proſpect, have been left to be ſuggeſted in the aſſembly itſelf, by the zeal and diſcretion of ſome of its members. But I thought at the ſame time, that it contained hints very capable of being modified, ſo as to give the outline of a free and firm conſtitution; retaining ſo much of antient uſage as ſhould obviate prejudice, and conciliate union; and adopting ſo much of new proviſions as ſhould ſecure the preponderance of public and general right. But this partition of legiſlative bodies, though perhaps eſſential to a permanent conſtitution, would probably have been incompatible with the great and neceſſary deſign of forming a conſtitution; to this, a ſingle body, ſo conſtituted as the National Aſſembly, ſeemed beſt adapted.

This was about the middle of the ſummer of 1789. The neceſſity of giving ſome determined form, which ſhould regulate the powers of the convention, ſoon became preſſing, and, waiving, for the moment, the diſcuſſion of the particular form adopted, a change of ſufficient magnitude to be called a Revolution, was, on all hands, and the King

King particularly not excepted, almoſt unanimouſly deſired. The very letter * by which the States General were convened, ſummoned the deputies in ſuch manner as to recommend expreſsly their being furniſhed with general and ſufficient † powers to propoſe, adviſe, and conſent to every thing which might concern the wants of the ſtate, the reform of abuſes, the eſtabliſhment of a firm and durable order in all the departments of the adminiſtration; the general proſperity of the kingdom, and the welfare of all, and every of the ſubjects.

But with Mr. Burke, it ſeems, theſe inveterate abuſes, theſe radical, and by all orders acknowledged defects, are little and fallacious motives, and very inadequate to juſtify a change. Government with him, ſeems a kind of intereſt, veſted in certain parties as a private eſtate under a ſettlement: and to him it is apparently, at leaſt, doubtful, whether the people, under any ſubſiſting government on earth, have a right to make the ſyſtem which their anceſtors have left them, other than they found it. They may, it ſeems, in extreme caſes, remove the tyrant; but if the root of tyranny is interwoven in their political conſti-

* Jan. 24, 1789. † Addreſs of the Nat. Aſſemb. and authent. Doc. Lond. 1790, p. 26.

tution,

tution, they muſt, in obedience to the obligations contracted for them by their anceſtors, retain the radical vice of a government ſo eſtabliſhed, becauſe it has been eſtabliſhed.

Yet, in our Engliſh Revolution, I ſee nothing to induce the opinion, when facts are attentively conſidered, of any incompetence in the people to alter the form of the conſtitution, in any extent which they ſhould find requiſite. Dr. Price * conſiders it as a ſolemn aſſertion carried into practice, of the right of the people to chuſe their own governors; to caſhier them for miſconduct; and to form a government for themſelves. And in the name of the people of England, Mr. Burke † very explicitly and warmly proteſts againſt the claim: and denies it to have any foundation in the facts and principles of that event: reprobating the idea as innovating, and certain to be reſiſted by the people, with the ſacrifice of their lives and fortunes, if ever it ſhould be practically aſſerted. But as it cannot be practically aſſerted at any future period, but by the concurrence of the people, there muſt be ſome miſtake in ſuppoſing, that the people will ſacrifice themſelves to prevent what they ſhall have determined to effect.

The queſtion, in the mean time, whether theſe three great principles are practically

* Price, p. 34. † Burke, p. 20.

aſſerted

aſſerted by the Revolution, muſt, from the nature of it, be a ſimple queſtion of fact; the ſolution of which cannot be difficult or obſcure.

On the ſecond of theſe rights, which was firſt in the execution, (for William was not choſen till James had been legiſlatively pronounced no longer King) the only objection poſſible to be offered to the proof reſulting from the plain language of the facts amounts to this, that miſconduct * is a word not ſufficiently ſtrong for the occaſion. Mr. Burke gives no other word: and he repeats the inſtances of miſgovernment for which the legiſlature, in the name and in the behalf of the people, pronounced the government abdicated, and the throne vacant: they are inſtances of the higheſt miſconduct: and the term is proper, becauſe it does not miſlead, by appearing to confine the mind to the degree and particular inſtances of delinquency, but gives, juſtly and with preciſion, the general ground. What degree and kind of miſconduct incapacitates for that meaſure of public truſt which is annexed to the exerciſe of the kingly office, the people muſt determine. And as the juſtneſs of Mr. Burke's obſervation, that the ceremony of caſhiering kings is no light or eaſy one, will admit of no diſpute, it can be

* P. 38.

as

as little doubted, that the people will not reſort to it as a capricious amuſement; but as a moſt ſerious and laſt remedy, in caſes of general urgency.

But to ſay, that "the line where obedience ought to end, and reſiſtance muſt begin, is faint, obſcure, and not eaſily definable," is to convert a queſtion of common ſenſe, and immediate public feeling, into a caſuiſtical nicety; either uſeleſs when applied to ſuch ſubjects, or pernicious; nor is this very conſiſtent with the epithet of "ſuperlative," characterizing this line; for ſuperlatives muſt make a determinate, ſtrong, and vivid impreſſion. And to ſay, that it is "a queſtion of ſtate, not made for common occaſions, nor to be agitated by common minds*," is to aſſert in the former clauſe of the ſentence, what was too clear to require ſtating; and which ſeems only to have been introduced for the purpoſe of familiarizing the doctrine in the cloſe; a doctrine ſo alarmingly paradoxical, that it did indeed require preparation: it was neceſſary the mind ſhould ſlide over it by aid of the ſmooth and inſenſible declivity offered it in the preceding propoſition. There is no deſcent not ſurmountable with eaſe, where the inclined plain can be proportionably adapted: and thus our philoſo-

* P. 43.

phical

phical politician has conducted us to the foot of the precipice, when perhaps we hardly perceived we had quitted the level. Without ſuch precautions, common minds would certainly have been ſtartled at being informed, that it was the excluſive right and faculty of thoſe very uncommon minds of which the leaders of parties are compoſed, to determine the meaſure of thoſe oppreſſions which the people muſt patiently endure; and to mark, as their diſcretion ſuggeſts to them, the obſcure and indefinable line where reſiſtance ſhall begin, when the public eye is incapable of diſcerning it.

Thus it is in Turkey: where the conſtitution remains unviolated by reform, though the necks of the governors are in the habit of expecting the bow-ſtring; and where conſtantly there exiſts as much or as little reaſon for a Revolution, as the few whoſe intereſts are concerned feel themſelves diſpoſed to diſcover.

The right to the choice of governors, as by the Revolution aſſerted, is combated on the ſuggeſtion that it is "againſt all principles of genuine juriſprudence to draw a principle from a law made in a ſpecial caſe, and regarding an individual perſon *." And if it regards him

* P. 23.

merely

merely as an individual, this will evidently be true. But the principles of that law which pronounced the throne abdicated and the government vacant, and which filled that vacancy by the adoption of a foreign Prince, were not limited to the names and perſons of James and William. Theſe we may now uſe as the Caius and Titius of the Roman juriſts: and may aſſert, that when a prince violates the original compact, and by breaking the fundamental laws manifeſts (and carries into execution as far as in him lies) by overt act, an attempt to ſubvert the conſtitution of the kingdom; when a prince puts himſelf in a ſituation which incapacitates him from performing the duties of his office, he has diveſted himſelf of title to authority; and the vacancy ſhall be ſupplied in ſuch manner as the circumſtances of the caſe demand, for the preſervation of the liberty and peace of the nation.

Another reaſon is attempted by which to prove, that the conduct of the Revolutioniſts was not meant to aſſert, but to exclude the right of the people to chuſe their governors: it was a ſmall, it is ſaid, and temporary deviation from the ſtrict order of hereditary ſucceſſion *. But doubtleſs it is too manifeſt to require proof or diſcuſſion that it was not a

* P. 24.

ſmall

ſmall deviation; ſince it veſted the whole regal office excluſively in William: that it was not temporary; ſince it ſuperſeded all who were not proteſtants to the end of time: that indeed no change of ſucceſſion could go much father than one which conſtituted a new ſource, new limitations and conditions of deſcent: and that had it been in fact as temporary and as ſmall as any change of this nature can ever be, it could be juſtified on no principle of leſs extent than ſuch as would alike authorize, if the caſe required, a total diſregard to ſucceſſion: and a caſe is obvious to be conceived in which, on the principles of the Revolution, all idea of ſucceſſion in any ſubſiſting line muſt have been totally abandoned. Events were by no means improbable, in which, by the very act of ſucceſſion, eſtabliſhed on the principles which had eſtabliſhed the revolution, a new appointment, for which no legiſlative proviſion had been made, muſt have taken place: perſons inheritable, if they had not expreſsly been excluded, ſtill remaining. And this appointment could have had no conſtitutional or rational baſis but in an authority derived from the choice of the people.

In reality, the people exerciſed a right as full as the moſt abſolute which the poſſeſſor of a fee can exert in limiting a private inheritance.

inheritance. If he gives this to John, in preference to his elder brother James, he gives it by the ſame right, and not by any leſs than that, which would have authorized him to give it to a ſtranger. If he limits the deſcent by conditions, he limits it as having the perfect diſpoſal: the nature and importance of thoſe conditions being in his own breaſt. If the legiſlature then adverted in the inſtance of William to any idea of propinquity to the throne, they did thus becauſe ſuch propinquity was, with more eſſential conſiderations, a motive of choice, as ſoftening prejudices and retaining ſo much of antient uſage as appeared, in the circumſtances, ſafe and expedient to be retained. And in the preface to the laſt edition of the diſcourſe of Dr. Price on the love of our country (a diſcourſe which the moſt brilliant genius and the moſt ſeducing authority cannot lower from its juſt and general eſtimation into public diſregard) it is well obſerved, that the power of parliament to limit the deſcent and inheritance of the crown is ſolemnly affirmed by a deliberate act of the legiſlature*.—I ſay nothing of the extreme ſanction under which the denial of it is prohibited.

The right of the people to form a government for themſelves †, is ſaid to have as little

* 6 Anne, c 7. † Page 44.

ſanction

ſanction from the Revolution as the other two, either in precedent or principle. This may truly and ſafely be admitted: ſince we have ſeen, that thoſe two are moſt clearly and explicitly recognized, both in principle and practice, by that event: and if a people aſſert by their conduct their right to remove their governors for mal-adminiſtration of their office;—their right to chooſe governors, ſuperſeding by that choice the courſe of ſucceſſion; and if theſe rights ſo aſſerted reſolve themſelves into firſt principles of ſocial power and of civil freedom, it would be idle in the extreme to enquire, by what means a people who underſtand theſe branches of their authority, inherit them as rational and ſocial beings, united for the common benefits of civil government, and act accordingly, can be made to doubt whether ſuch government be not as much theirs to re-model or create, as the perſons by whom it is to be adminiſtered are, neceſſarily, from the relation in which they ſtand, ſubject to their appointment and removal.

But if Mr. Burke views the Revolution in this country in 1688 rightly, it was an exertion of public authority to eſtabliſh freedom for the people of that age, in ſo far as their leaders thought proper to eſtabliſh it: but to perpetuate ſlavery on their poſterity for ever: ſince if the

the ſtipulations which they choſe at that time to make were to be for ever binding on their deſcendants by an irrepealable law, whatever defects or miſchiefs time and experience might diſcover, the law, which derives its force in every free ſtate from being an expreſſion of the will of the ſtate, might act in the moſt perfect contrariety to their will *.

Every law, I apprehend, which is not merely declaratory of immutable principles (for theſe derive their obligation from an independent and ſupreme ſource) may be repealed by the ſame authority by which it is enacted; an ordinary law by the ordinary power of the legiſlature under their general truſt; a conſtitutional law by the conſtitutional power of the people under a ſpecial truſt, committed to the legiſlature for that particular purpoſe. In any other view of the ſubject I ſhould feel

* Whether the occult power of the *Jus Divinum*, or the magic obligation on all poſterity, of a particular act of parliament, rivetted the chain, the language of the *Polinice* would hold alike.

" Eſt-ce au peuple, madame, de ſe choiſir un maître ?
" Si tôt qu'on hait un roi, doit o-ceſſer de l'être ?
" Son haine ou ſon amour ſont-ce les premiers droits
" Qui font monter au trône ou déſcendre les rois ?
" Que le peuple à ſon gré nous craigne ou nous chériſſe,
" Le ſang nous met au trône et non pas ſon caprice,

Les freres ennemis Racine. T. 1.

little

little difference between the obſolete notion of a divine hereditary indefeaſible right to a perpetual ſucceſſion of unalterable monarchy, and a parliamentary indefeaſible obligation to an unchangeable form of government.

The kings, if there have been ſuch of this country ſince the Norman William, who did not owe their throne to choice, direct or remote, of their people, could, I apprehend, be no other than uſurpers. But it would not follow that the acts paſſed under their reign would conſequently be invalid, any more than the plebiſcita propoſed by a tribune in the Roman republic, under certain incapacities, by the conſtitution, of holding that office. Mr. Burke, on recollection, can hardly, I think, fail to ſee the right ſide of this queſtion: which has not been overlooked by the obſervation and ſagacity of Plutarch. Laws would be wretchedly precarious indeed, if they ſhould be void by the want of title in the individual, exerciſing, in fact, the regal office, though paſſed by the advice and concurrence of the repreſentatives of the people, and the other branch of the community, the Lords. To ſuppoſe this, ſeems to contradict all analogy: and if no temporary and perſonal conſiderations had intervened, it ſeems incredible that the acts of the legiſlature, during the interregnum, could have been conſidered as void.

In

In the laſt ſeven centuries, and what has paſſed of the preſent, will one be found in which the courſe of ſucceſſion has been obſerved as an unalterable rule? The general principle of a ſucceſſive crown, in preference to one elective, at every vacancy, has prevailed: as of convenience; not of perpetual and proper neceſſity, in a political ſenſe. Yet Mr. Burke expreſſes himſelf as if there never had been a king of England who owed his throne to the choice of the people, prior to the revolution: and as if the validity of our moſt eſſential laws, ſuch as are vital to the conſtitution, depended on the reſult of reſearches now to be made reſpecting the validity of the titles to the crown of the ſeveral kings in whoſe reign they paſſed: as if the two houſes acting repreſentatively, or immediately, for the whole community, the king excepted, could not give ſanction to ſuch laws as they ſhould think neceſſary for the ſecurity and welfare of the people; if it ſhould happen that poſterity ſhould be convinced, by antiquarians, that the duke of York had a better title than the duke of Lancaſter, or the contrary: that Richard the Third was an uſurper; or if he were not, that Henry the Seventh was: that, to go earlier back, the ſecond or the fourth Henry ſtood upon ground that might not be able to reſiſt the preſſure

of a ſevere diſcuſſion: that Edward the Third had the moſt ſhocking objections to be oppoſed to his acceſſion: or again, in later times, that of the ſiſters Mary and Elizabeth, the principles of ſucceſſion, if tenable as to one, muſt fail as to the other; and that of choice, with regard to Mary, would have hiſtorical objections to its clearneſs, not eaſy to be ſurmounted. Where I ſee the approbation, or voluntary acquieſcence of the people, I ſee law: although there may be anomalies affecting parts of the legiſlature: and on any other principle, I ſhould doubt whether we had an exiſting ſtatute which could be called a law: at leaſt ſince the ſeptennial act; or much farther back, the act of diſfranchiſement, in the 8th of Henry VI. But for the rule which ſupports laws, until the public ſuffrage of the nation declares their invalidity, notwithſtanding defects in ſome of the branches of the legiſlature, it is unneceſſary to quote Coke, Hale, Foſter, Blackſtone, and Barrington. The rule proves itſelf by its utility and neceſſity.

It ſhould ſeem, from another paſſage in Mr. Burke, that not one of the three branches of the legiſlature could be conſtitutionally annulled, by its own conſent, and that of the other two, founded on the moſt expreſs and general declaration of the public will for the change:—

change—they have then each a ſeveral, abſolute, indefeaſible right in the moſt perfect ſenſe: and, by the ſame reaſon, two or one would have had the ſame right, if no more had exiſted; and they could not, I preſume, have conſented to the creation of a co-ordinate power, any more than to the extinction of their own. To this, ſtrict and neceſſary analogy ſeems to carry Mr. Burke: if ſo, it may ſhake his faith hereafter as to the legitimate exiſtence of an Houſe of Commons. It will not ſhake mine: I know that the creation of new, or extinction of actual legiſlative powers, is neceſſarily and clearly beyond the limits of the ordinary legiſlature: but to ſay the nation * cannot proceed thus far without exceeding the bounds of moral competence; without breach of reaſon, faith, juſtice, and fixed policy, appears nothing leſs than ſaying, that it is morally incompetent to any people to have a better conſtitution than that which, on their firſt forming themſelves into civil ſociety, happened to be adopted.

I feel very different emotions from thoſe of pleaſure in being obliged to diſſent from Mr. Burke; but I find another point which compels me to expreſs my diſſent: his denial of the reſponſibility of the king to the public.

I know that Mr. Burke may find a ſtatute in which that reſponſibility is denied: denied

* Page 27.

not only of a repreſentative public, in the ordinary ſtate of the conſtitution, but of the people, in any the moſt extraordinary and fulleſt expreſſion of their will. He may find (or rather he has found, in both inſtances) the ſame denial, in a triumphant ſpeech * from a tribunal of juſtice, when the monarchy ſat in judgment on its late victors. He will certainly, I apprehend, not hear, from any ſociety or individual, of that repreſentative public, in the ſettled ſtate of the conſtitution, to which the king is reſponſible: but if the Houſe of Lords ſhould arrogate to itſelf excluſively the powers of both, or either of the other branches; if the Houſe of Commons ſhould declare its pleaſure to ſit till it ſhould diſſolve itſelf, that Houſe of Lords, and that Houſe of Commons, would be reſponſible in right; and I truſt the ſpirit of the nation would reduce that reſponſibility to fact.

The conſtitutional doctrine is certainly that the king is not criminally reſponſible to the ordinary legiſlature;—nor any of its branches, to either or both the other. And the conſtitution provides expreſsly for that reſponſibility alone, which can be incurred while it exiſts unſubverted. While it does thus exiſt, none of its ſeparate powers can ſo act as to be

* By Sir Orlando Bridgeman, on the trial of the regicides.

amenable

amenable to the others. But which ever branch, by aſſuming an exorbitant authority, deſtroys the conſtitutional equilibrium, deprives itſelf of its immunities as a part of the conſtitution, and becomes neceſſarily reſponſible to the judgment of the community, by whoſe ſole arbitrement ſuch infraction can be remedied.

A king, or governors of any deſignation, irreſponſible to the community in caſes which exclude all other means of redreſs, would be as monſtrous an incongruity, compared with the univerſal principles and neceſſary end of government, as a king, in the ordinary ſtate of the Britiſh government, reſponſible for meaſures, which, in ſuch ſtate, muſt always have been reſolved and executed by miniſters in their known departments: who have a direct reſponſibility; in ſome caſes, to the ſubordinate courts of juſtice, and in all to parliament. Mr. Burke admits, that war may be juſtifiable by neceſſity againſt a King*: that puniſhment may be juſtified, if inflicted "with a regard to dignity," and the decorous gravity of national juſtice: for that "the "puniſhment of tyrants is a noble and awful "act, and has, with truth, been ſaid to be "conſolatory of the human mind." It would,

* Page 123.

after

after this, appear ſufficient to remark, that the only reſponſibility of which, at this day, any man can expect to hear, is, that which Mr. Burke has expreſsly, and with becoming ardour, recognized. But this conceſſion ſeems not long retained with conſiſtency.

For if Mr. Burke * has learnt that all perſons are individually and collectively under the king, he has learnt more than can be well reconciled to any caſe or form of reſponſibility: he has learnt more from the law than Bracton found in it, whoſe king, greater than the parts, is inferior to the aggregate: *ſingulis major; univerſis minor*. He has learnt more than the moſt eminent, and not ambitiouſly popular, of our modern lawyers, who quote with approbation this aphoriſm of Bracton.

If Mr. Burke, after his experience in courts and ſenates, and the beſt ſocieties (they are called the beſt) at home and abroad, remains perſuaded, that words are ſtrictly repreſentative, and clearly diſcriminative, of powers, it may be too much to queſtion the ſenſe annexed to the ſtyle by which our law ſpeaks of the king, "our ſovereign Lord."

Otherwiſe it might be ſaid, with apparent probability, that it only denoted his pre-emi-

* Page 41.

nence

nence as the firſt executive over the ſubordinate magiſtracies: and not a proper political ſovereignty, ſuch as derivatively is aſcribed to the legiſlature, figuratively to the conſtitution, properly and abſolutely to the people. But if it would not bear a meaning correſpondent to the principles of conſtitutional freedom, it would be preferable to endure, or to diſuſe, a complimental foleciſm, rather than to permit a form of expreſſion to be an inſtrument of infringing or obſcuring public and ſubſtantial rights. And Mr. Burke *, ſenſible of the facility with which titles of the loweſt ſubmiſſion may veil the invidious glare of the proudeſt domination, might as commodiouſly be reconciled to the poſſibility of pompous titles accompanying a limited and moderate authority.

There is much and elegant declamation on hereditary privileges in the crown, the Lords, and the Commons; a conſtitutional inheritance in rights and liberties, illuſtrating the dignity of the people. And where antiquity has been attended with uniform examples of wiſdom and virtue, it reflects a luſtre on thoſe bodies which are thus diſtinguiſhed. How far the wiſdom and virtue of our two houſes, how far the conduct even of the nation itſelf has maintained inviolate this inhe-

* Page 40-41.

ritance

ritance of glory, I would not digreſs ſo far as to ſtate on this occaſion. But whatever privileges, whatever glory, are inheritable from civil inſtitution, the rights of men, the honour of intellectual and moral agents, the illuſtrious rank of men determined to be free, is of date far higher, and of origin tranſcendantly more venerable. It is an inheritance coeval with the commencement of humanity: its enſigns are the countenance impreſſed with the divine character of reaſon; its gallery the extent of the habitable earth; its monuments the unperiſhable memory of the wiſeſt, beſt, and braveſt of the ſpecies of every age and country; its evidence, the voice of nature; its title our equal relation to the deity: from whom we derive in common, the powers, the obligations, and the correſpondent rights of man; reaſon, conſcience, and freedom.

But I muſt return to Mr. Burke: leſt, miſguided by a ſplendid example, of which it is more eaſy to imitate the errors than the excellencies, I ſhould loſe in the proſpects which tranſport the mind out of itſelf, the ſubject which the leſs enraptured reader is more deſirous to ſee purſued.

If, with Mr. Burke, the claims of title, of anceſtry, and even of opulence, are high, the unplumed

unplumed two-legged thing *, mere unſophiſticated man, muſt be content with a very moderate eſtimation. To be allowed the choice of thoſe, by whom his actions in ſociety are to be regulated, on whom the enjoyment of his property, his life, his liberty, and his reputation, muſt depend in almoſt innumerable reſpects, ſeems a decent and a neceſſary claim. To form, without apprehenſion of civil inconvenience, and to profeſs, without loſs of civil privileges, thoſe opinions which are beyond the ſphere of his civil duty, may ſeem another innocent and indiſputable claim. But Mr. Burke enquires, with all the tranquillity of an unconcerned ſpeculatiſt †, when was it heard that in Great Britain any province ſuffered from the inequality of repreſentation; any diſtrict from having no repreſentation at all?—Yet diſtricts, it was thought by Mr. Burke, might ſuffer for want of repreſentation: or, in vain, he inſiſted on the wiſdom and equity of admitting thoſe to be repreſented, which ſucceſſively became objects of taxation; and in vain applied the principles and facts to the American claim: and where the abſolute privation is an evil, groſs inequality can hardly be indifferent. I do not captiouſly oppoſe Mr. Burke to himſelf: if I had meant no more than this, other opportunities were not wanting: but I mean to

* P. 329. † P. 276.

appeal

appeal to his ſteady recollection of right principles. The energy of genius has a conſtancy as well as force; and if he will reflect on the moſt honourable moments of his public life, (and they were days and moments to be preferred to an immortality of falſe praiſe) can it be poſſible he ſhould continue to ſpeak of the inequality of our repreſentation * as the inſignificant topic of "a fooliſh complaint?" And to aſſert, of our preſent repreſentation †, that it has been found perfectly adequate to all the purpoſes for which a repreſentation of the people can be deſired or deviſed.

And of toleration, the clear view of philoſophy and liberal policy, might have ſuggeſted, to a mind which ranges nature for relations and analogies, and has ſeen deep and wide into the principles of government, and the intereſts of communities, ſome firmer and more comprehenſive idea, than that of favour in the ſhape of preference on the one hand, and negative indulgence ‡ on the other. If I diſfavour a religious opinion, I have my reaſons, or merely prejudice: If my reaſons, I produce them; ſuppoſing that the queſtion appears to me ſufficiently important; but I ought not to exclude, by diſqualifying laws, a perſon who may be equal to any civil duty

* Page 276. † Ibid. 83. ‡ P. 222-3.

by

by his abilities and integrity, on the ground of his differing from me on a ſubject wholly of another nature. If the term, toleration, be too narrow for the rights which conſcience, humanity, and the public intereſt require us to recognize, let it be ennobled by giving it the moſt ample ſenſe; or if found incapable, as indeed it ſeems, of a juſt and adequate import, let it ſink into oblivion, and religious freedom ſupply its place in our language, and in our practice.

More is ſaid than, in this age, an ingenuous and enlightened mind might have been expected to utter, on the degrading ignorance attendant on certain occupations and an apocryphal writer of the Jews in their captivity is introduced, with no ſmall degree of ceremony, to prove, that in thoſe times, and in that ſtate of the Jewiſh * people, or of their imperious maſters, men of ſo humble pretenſions, as thoſe of uſeful induſtry, were not thought qualified for public counſel. Yet it might not be impoſſible to find gentlemen of great landed property, and with all the external means of information, whoſe habits and employments, whoſe turn of thought and diſpoſition, are far leſs favourable to knowledge, love of the public, and ſtrenuous per-

* P. 73.

ſeverance

ſeverance in the path of duty. The diffuſion of great and leading truths, the opportunities of improvement, in the humbleſt ſtation, have neceſſarily diminiſhed much of this unhappy diſadvantage: it ſhould be the effort of philanthropy and of public wiſdom, inſtead of contemplating thoſe incidental and dubious diſadvantages as a permanent barrier, ſeparating the uſeful from the honoured claſſes in the community, to ſoften all harſh and debaſing prejudices, all injurious impediments, to expand the gates and enlarge the avenues to the temple of honour and of public counſel, and to encourage the probability of not loſing, by excluſive attentions to the mere preſumptions of merit, one ſpark, whereſoever latent of animating virtue, beneficial by its direct energy, and more abundantly beneficial by the example thus circumſtanced.

A ſurrender in truſt of the whole *, even of factitious property, to preſerve a part, is a compact ſo unequal as rarely to be neceſſary; but a ſurrender of primary independent rights, to preſerve ſecondary and adventitious rights, the whole of natural liberty for a precarious portion of civil, is an imaginary compact ſo replete with more than paradox, ſo incompatible with every idea of reaſon and juſtice,

* P. 88.

that

that the wildeſt imagination never created ſuch a chimera: if it were a novel thought, its ſtrangeneſs might be ſuppoſed a ſacrifice of reaſon to the ſeductions of the marvellous: but after the arguments repeatedly adduced, to prove it deſtitute of all poſſible foundation, I quit it without reluctance, for the plain opinion which has nothing in it to ſurprize, that man, by uniting himſelf to civil ſociety, reſigns no rights but ſuch as are inconſiſtent with the end of ſuch ſociety. He remains judge in his own cauſe in all thoſe inſtances, and they are many and of prime importance, in which it is impoſſible ſociety ſhould judge for him. He remains with his full right of ſelf-defence; ſuſpending only the exerciſe where he is more effectually defended by ſociety. He remains his own governor, by the right he has to ſhare in the formation of thoſe laws which are to govern the community, of which he is a part; he retains his right of determining what is juſt, univerſally in opinion, and in many caſes, in practice, where the law cannot interfere; and where he ſubmits to deciſions which he thinks otherwiſe than juſt, it is in conformity to two principles, independent of any poſitive ſanction, that it is juſt to ſuffer a particular inconvenience, rather than to refer every thing to private intereſted opinion; that it is juſt, having ſubmitted to make ſociety the arbiter

of

of differences, (without which ſubmiſſion, ſociety could not exiſt) to acquieſce in the deciſions which ſociety ſhall make.

The diſtinction does not reſt in theory; for if there are natural rights which do not enter into the depoſit, as being out of the competence of ſociety, theſe rights, clearly aſcertainable by their characteriſtic differences, can, by no colour of claim, be brought under the authority of municipal law: and, indeed, thoſe which are held in truſt, (the ſuſpenſion of the ordinary exerciſe of them by the individual being neceſſary for the peace and order of the community,) may be rather ſaid to be held by the government, in truſt for the ſociety and the individual, than directly by the ſociety at large. If, therefore, any part of the government tranſgreſſes, or neglects this truſt, the delinquency muſt be examined before the appropriated judicial authority. And this is the moſt diſtinct idea, which occurs to my apprehenſion, of the nature of the implied compact, between the individual and ſociety; of the tacit reſervation of rights not within the cognizance, or not within the ſcope of ſociety; and of the manner in which thoſe rights, which are depoſited in truſt, may be conſidered to be veſted, ſo as to ſecure the neceſſary reſponſibility, if that truſt be violated. Adding only, that if it be violated by

thoſe

thoſe who repreſent the power and will of the ſociety itſelf, the redreſs can only be by the extraordinary and collective interpoſition of the community as ſuch.

From ſuppoſing a ſurrender of the whole rights of the individual to ſociety, Mr. Burke ſeems to paſs to a ſuppoſition equally ill founded, and if poſſible, a more harſh idea, aſſuredly more obnoxious to frequent miſchief in the practice, a ſurrender of the whole rights of ſociety to certain governing individuals. The firſt ſurrender was preſumed neceſſary, to prevent the paſſions of the individual from breaking the order of ſociety, (though that prevention, ſo far as it is practicable, is beſt ſecured by ſuppoſing him to have ſurrendered no rights, but thoſe which he cannot exerciſe without diſturbance to ſociety.) The ſecond, is preſumed neceſſary to prevent the will and paſſions of the ſociety from acting irregularly and detrimentally; and this, it is ſaid, is only to be done by "a "power out of themſelves *, and not in the "exerciſe of its functions, ſubject to that will, "and to thoſe paſſions, whch it is its office to "bridle and ſubdue." But as this power, extrinſic to the maſs, is an human power, artificially and conventionally alone, ſeparated from the ſociety of which it was an indiſ-

* P. 89.

tinguiſhable

tinguiſhable part, previous to its appointment, if it has ſtrength committed to it to bridle and ſubdue the whole, by what ſhall itſelf be ſubjected to reſtraint; and do not all partial intereſts and paſſions, incompatible with general good, act with greateſt and moſt permanent force in the production of evil, when ſmall and inſulated maſſes are expoſed to their influence? There is in the general aggregate, a common ſympathy, a temperament of partial intereſts and prejudices, which is not to be expected from detached claſſes, actuated by the *Eſprit de Corps*, and ſurrounded with temporary and local objects, often more relative to their particular ſituation than to the general welfare.

It ſeems, therefore, that it is not by ſetting as a guardian and controller over the public will, the will of a detached body, that the tranquillity and welfare of the community will be beſt promoted; but rather by miniſtering the feweſt incitements to partial intereſts, ſuch as delegation of power not fully and freely flowing from the general ſource, but derived from a partial channel, of the qualities of which it will partake; ſuch, again, as long continuance of power in the ſame hands; political privileges to particular claſſes, not eſſentially promotive of general benefit; liability to deciſions on ſudden and occaſional inducements of eloquence or cabal,

to

to be immediately executed; without deliberative reſtraint, by the interpoſal of a diſtinct body, not likely to be impreſſed at the ſame time, by the ſame partial influences directed to the ſame point; excluſion of any part of the community from the common intereſts, and from admiſſibility to the common functions, without crime; eſtabliſhment of a military body, or influence on the public opinion, can affect the general operations of ſociety, detached and contradiſtinguiſhed from the general intereſts; inſtead of leaving the defence, the inſtruction, and the honorary diſtinctions of the ſtate, to circulate as freely as circumſtances can admit, according to the natural or acquired powers of its members. But as in every flouriſhing and long ſubſiſting ſociety, continued proſperity and eminent deſert, in certain families, will always tend to ſomething of ariſtocratical intereſt; accumulation of wealth, by commerce or manufacture in others, in a remarkable degree, to an Oligarchy, and theſe will require to be controlled by the equal virtue and ſocial ſpirit of a Democracy, which alſo requires to have its tendency to unadviſed determination, balanced by the gravity and prudence of the other deſcriptions; theſe powers and principles kept in their due diſtinctneſs; and the preponderancy preſerved to the more general intereſts, with-

out hazarding the ſecurity of the others, give the elements and form of a conſtitution, which unites the largeſt portion of ſtability, efficiency, private ſecurity, and public freedom. It is manifeſt it will partake more largely of the democratic than of any other character, as the popular intereſts are, both in extent and importance, of the chief conſideration; though every intereſt which can have place in a free ſtate, without prejudice to its freedom, ought to be ſufficiently protected. This is the only notion I have of juſtifiable, or ſafe and permanently effectual means to bridle and ſubdue all partial intereſts, ſo as to prevent any irregular will from obtaining an aſcendance to the detriment of ſociety. And it is only by ſuch aſcendance, that the will of the general maſs, diſintereſted, pure, generous, and tranquil, of itſelf, becomes intereſted, corrupt, ſelfiſh, turbulent, deſtructive.

The ſimplicity which comports with the idea of a ſyſtem, (and all political government is a ſyſtem) conſiſts in its being exempt from unneceſſary, diſconnected, unduly united, or diſproportioned parts.

This ſimplicity, therefore, is not characterized by fewneſs of parts, but by harmony and freedom, and energy of operation, and by giving the leaſt impediment to natural right; for,

for, to adopt the compariſon * of Mr. Burke, all unneceſſary complexity operates as a denſe and unequal medium of refraction on the rays of light; but the more and more unequally refracted, the more diſſipated their force, and the leſs true their repreſentation: the fewer principles of natural right, therefore, are applicable to a government, the more unequal the condition of men in it, the worſe is that government: and to praiſe it for its refined complexity, on account of the difficulty of applying general truth to it, is like praiſing a teleſcope for having ſuperfluous lenſes, ſerving only to obſcure and confound the object.

From his principles of general government, in thoſe points which he regards as containing the great outlines of a conſtitution, Mr. Burke proceeds to thoſe incidental obſtacles from prejudice and habit, to which a wiſe legiſlator is to apply his attention. And I own that I do think with him, that there are occaſions where it is the beſt prudence to be tender, even to an apparent extreme, in the treatment of cuſtoms which have blended themſelves with the opinions, the habits, the earlieſt and the lateſt views of a people. Light is to be offered: but in vain will it be forced upon them. And I do not ſee how even the greater part of

* P. 91.

a community * can compel, without injuſtice and an uneſtimated infliction of ſuffering, a claſs of human beings, taught to form their views, their ſentiments of obligation, their habits of thought and action, their hopes of comfort, and all the aſſociations which conſtitute the character and diſpoſition, upon a ſcale remote from the general uſage of life, to quit their ſolitude, and be caſt, unprepared, unconnected on the world. I do not ſee how, on the other hand, a religious order which the people has long beheld under certain circumſtances, can ſuddenly and compulſively be placed in different and contrary circumſtances, without great and unmerited diſtreſs to many individuals, and without eſſential diſadvantage to the ſtate, which always ſuffers by a diminution of confidence when antient privileges and advantages are ſeized from their poſſeſſors, without fair and full proof of their delinquency, or of the utter incompatibility of even the temporary continuance of the inſtitutions on which they are founded, with the public ſecurity and freedom. A good and wiſe government would certainly never attempt to create and nouriſh prejudices for the ſake of governing by them happily †; indeed, on the whole, it is true of prejudices, that they muſt be found, they cannot be created to ſerve an

* Page 231. † Page 233.

occaſion :

occaſion: but thoſe which it finds it would treat as nature, in her general œconomy, does the miſts and vapours, ſo often the harbingers of a mild, ſplendid, and genial day. If ſuddenly precipitated, you have a chill and comfortleſs, if haſtily driven by impetuous winds, a tempeſtuous, if not deſtructive day: but if gradually ſubſiding, as they generally do, as the influence of the ſun advances from the dawn to the perfect day, they melt kindly and inſenſibly into the untroubled ſky; all is tranquillity, and progreſſive illumination. I think with Mr. Burke, that prejudices are generally ſo relative to the ſtate of a people, ſo incorporated with right ſentiments and aſſimilated to the beſt affections, ſo attached to the heart, and ſo ſlowly corrected by the underſtanding, that an attempt at once to expel them would not accelerate, but retard perfection; not introduce order, but be the too readily obeyed ſignal of confuſion.

I ſhould therefore be no friend to any forcible means which ſhould ſecularize the monaſtic orders of a ſtate, or in a manner diſſecularize the others: ſhould trample on the ſolemn ornaments of the churches, or infringe the ſtillneſs of the cloyſter. To me, and to many, religion is in her proper garb when ſimple and unadorned: but if the cuſtom of others has been to preſent her to their imaginations in habits

bits which to their idea are more ſuited to her native dignity, the end of both may be ſtill the ſame: the habitual veneration of the deity, the diſpoſitions of purity and benevolence may be forming equally under different means adapted to our different tempers and early uſe. If we both are left at liberty to purſue our reſpective modes of expreſſing our common duty, without loſs of civil or ſocial eſtimation, all is right. But of thoſe in monaſtic orders I underſtand, that they have the option given, not the neceſſity impoſed, of quitting their cell.

Of the prejudices even of chivalry, a term now of ridicule and of the laſt contempt, Mr. Burke regrets the loſs. I ſhall not conceal that to no inconſiderable degree I can ſhare in this regret: and could almoſt entreat ſo much from the indulgence of reaſon and philoſophy as pardon for a wiſh that thoſe ſplendid and engaging viſions might have been permitted a longer ſtay. But they are gone: and eaſe, opulence and luxury have ſubſtituted other prejudices of leſs noble aſpect, of leſs pure and benign influence, leſs friendly by far to intrepid, generous, and perſevering virtue. I agree too, that the reſpect, the delicate, the virtuouſly refined and dignified attention to the ſex, the enthuſiaſtic admiration, and conſtancy of eſteem, and animated by theſe, the glorious ardour

dour of noble enterprize, of approving themſelves by fortitude and virtue, by humanity and beneficence, by every graceful, every generous, every eſtimable quality, inſeparable from men who felt in its full power the attractive dignity of female excellence ;—Men whoſe paſſions were chaſtized and exalted by the purity of their object, and in whom the moſt tranſporting of affections added energy to the ſublimeſt ſentiments ;—that theſe giving way to vague, and light, and temporary, and debaſing regards, to a frivolous and inſulting gallantry, to a diſſipated and licentious ſyſtem of habits, opinions and converſation, that this is an exchange injurious to ſociety indeed ; both in thoſe ſentiments it has relinquiſhed and thoſe it has adopted : both in domeſtic manners and happineſs, and in public virtue. It is to the acknowledged importance and correſpondent influence of the ſex in ſociety, that we muſt owe the regulation of our tempers and conduct, the earlieſt, and in the progreſs of life, the moſt perſuaſive motives to the improvement of our minds ; and which is of the firſt importance, the cultivation of the heart. As ſiſters, as the objects of a tender, animated, delicate attachment, as wives, as mothers,—our complacency and ſatisfaction in ourſelves will be proportioned to the view in which we conſider them. And where all is peace and concord, reciprocal reſpect and eſteem, in families

milies, in conſequence of the general habits and opinion being favourable to the proper perfection of the female character, it would be idle to enquire whether a people, compoſed of the union of ſuch families, could be other than free, virtuous, and happy. But Mr. Burke recollects, that it is not in modern courts the ſpirit of chivalry could be expected to revive, or to exiſt:—manners formed under governments approaching to the republican would reſtore to us:—not its pomp indeed, but its true value; its ſimplicity, its purity, and elevation. And accordingly I underſtand there is more of this ſpirit in America than in any part of the globe, and its effects were ſenſible during the conteſt. In leaving this ſubject I ſhall moſt cordially acknowledge, that I can repreſent to myſelf no image of virtue which ſo vividly and perſuaſively can impreſs the mind, as the idea of a truly amiable woman. Nothing which exalts the thought by a more immediate analogy to the contemplation of celeſtial purity and goodneſs. But with the ideas inſpired by this viſion, I cannot blend any of a more uncertain texture. Mr. Burke, indeed, has preſented to the eye a form characterized by ſuch melancholy dignity and graceful elevation, as perfectly harmonizes with the ſtriking ſcene. Such a form the muſe of Taſſo, Spenſer, and Milton, would have preſented to their enraptured view: for

ſuch

ſuch a form our Surrey, Douglas, Devereux, and Percy, the Henries, the Condé's, the Montmorencis, would have blazed in the tournament, and courted death in the field. The intereſt is heightened by contraſting it with another portrait of the goddeſs of his idolatry, ſuch as ſhe appeared in a different ſtate of France, and of her own proſpects:—touched with an eaſe and lightneſs, a ſoftneſs and amenity indeſcribable. And again availing himſelf of the effect of ſuch a delineation, he ſtrikes us with whatever is moſt forcible of terror and pity. Againſt a form ſo ſublime, ſo intereſting, ſo enchanting, we view, with horror and conſternation, the poignard of deſpair, drawn from that boſom which has engaged our tendereſt and moſt reſpectful ſympathy. But I am not addreſſing myſelf to the paſſions: and I dare not truſt myſelf at preſent with another view of ſuch a repreſentation.

Non hoc iſta ſibi tempus ſpectacula poſcit.—

Of the Queen of France I think ſilence the beſt tribute of reſpect which I can pay to her ſex and ſituation. Neither her champion nor her panegyriſt, if I cannot leſſen her ſufferings, I ſhall not encreaſe or create danger. I ſhall not, by an incautious praiſe, (I may be forgiven if I term it ſo) hazard the urging of an agitated ſpirit to an act of deſperation. From

a gallant

a gallant and generous people, who, in the higheſt ferment of a ſudden and unexampled revolution, in the midſt of danger and ſuſpicion, of enthuſiaſtic zeal, and the tumult of inſtantaneouſly excited myriads, retained their ſenſibility, I ſhall not believe ſhe has any inſult to fear: or that ſhe can be a victim to popular emotion: unleſs in a conflict, which there is every motive from her ſituation, that of her huſband, her children, and of the people, never to provoke;—a conflict between the monarchy, and the rights and liberties of the nation. But before we quit the advantages derived from the ſtriking pageants of chivalry, let us do ſome juſtice to a ſpectacle which general liberty alone could exhibit: and which Mr. Burke, his taſte and feelings triumphing over his prepoſſeſſions, cannot contemplate without complacency. A ſpectacle which neither the olympic celebrities, not the mead which witneſſed the ſigning of the great charter, nor the vaſt plains of America, overſpread with the peaceful banners of triumphant freedom, can excel by their united impreſſion. A ſcene more affecting, animated, ſublime, our earth, while its preſent ſyſtem continues, never can exhibit:—that of five hundred thouſand of our ſpecies, aſſembled in perfect order, amity, and joy, to hail the riſe and confirm the perpetuity of their happineſs *.

* See Miſs Williams's 2d Letter.

I own,

I own, as to another prejudice, never advantageous to ſociety, that of atheiſm, I have no fear, if a conſtitution of freedom and permanency ſettles itſelf in France. Atheiſm can hardly exiſt: much leſs ſpread itſelf, and obtain an influence in a ſociety where there are manners, ſcience, and liberty. But it is not well to group Atheiſts, and thoſe who are called infidels, indiſcriminately. It is not well to claſs all who are called infidels together. I miſtake, if one of thoſe in Mr. Burke's liſt, except Bolingbroke, denied the moral attributes of the deity. I miſtake, if ſome of them are not ſtill read, not only by infidels but by rational and ſincere chriſtians. I much miſtake if there is in them, (even take the leaſt conſiderable, or the leaſt ingenuous in the liſt) nothing which deſerves reading; or any thing in the ableſt, which ſhould excite panic apprehenſions. In England *, Mr. Burke does not ſeem to dread them: France too can think, and can decide for herſelf †.

I ſay nothing of an image, which claſſic taſte, the politeneſs of the gentleman ‡, and the mildneſs and philanthropy of the chriſtian could not have admitted but in the ſudden effervescence of an agitated fancy:—nothing

* Page 133. † Dr. Towers, p. 112, 113.

‡ Burke, p. 135.

of

of the alembic; nothing of the delirium; nothing of its ſhameful effects, or of any of that portentous imagery which riſes in the affrighted imagination of this diſtinguiſhed orator. I ſee no more probability of our throwing off the chriſtian religion than of our throwing off laws, manners, arts, and ſcience, and hurrying ourſelves in diſtracted herds, in one general paroxyſm of phrenzy, to the beaſts of the wilderneſs, or the monſters of the deep. Much foreign commixture may long continue to blend its baſe alloy with the doctrines, to detract from the evidence, to obſtruct the reception of chriſtianity, and impair its efficacy. But there is a point in the progreſs of ſociety, and I think that point has been long reached, which will not admit the poſſibility of a relapſe into total infidelity, irreligion, and barbariſm. I cannot, therefore, believe, that the new eccleſiaſtical eſtabliſhment in France * is introductory in deſign, or that any could be ſo in effect, to the abolition of the chriſtian religion, in all its forms. Still, highly as I think of religion, and convinced as I am †, that "all "perſons poſſeſſing any portion of power, "ought to be ſtrongly and awfully impreſſed "with an idea, that they act in truſt, and that "they are to account for their conduct in that "truſt to the one great maſter, author, and

* Page 219. † Ibid. 138.

"founder

"founder of ſociety," I would wiſh their attention not to loſe ſight of that temporal account which ſubordinate governors owe to the legiſlature, and the legiſlature to the people. And much as I reſpect our political conſtitution, I by no means entertain ſuch an idea of its perfection as to be convinced, that "an eſta-"bliſhed church, an eſtabliſhed monarchy, "ariſtocracy, and democracy, each in the de-"gree it exiſts *," comprizes all that we ought to wiſh. Nor am induced to think it the misfortune of this age, that every thing reſpecting our conſtitution is diſcuſſed. If every thing is right and ſecure we ſhall enjoy it the more, from the rational confidence attendant on the reſult of inveſtigation; if any thing is defective or unſtable, we ſhall the better apply the remedy. A conſtitution, which in this day could be overſet or endangered by diſcuſſion †, would not merit ſolicitude.

From theſe general diſquiſitions which concern the principles of government, and particularly of our own, I proceed to ſay a little on that part of Mr. Burke's letter, which concerns the meaſures relative to the new conſtitution of France.

I ſhall not attempt to aſcertain the degree of accuracy in his ſketch of the National Aſſem-

* Ibid. 135-136.

† Page 136.

bly.

bly. I ſuſpect it muſt be conſiderably caricatured;—not intentionally, but under the unperceived bias of prepoſſeſſions. I ſuſpect it, from their popularity for ſo many and ſuch trying months; their ſtability againſt the ariſtocratic party; their diſintereſtedneſs and fortitude manifeſted, I think, in ſeveral important inſtances. I ſhall not attempt to diſcuſs the queſtion of their finance. I ſhall only ſay, that in all great changes the ſettlement of finance muſt owe much to time as well as to diligence, induſtry, and integrity. It was ſo in America. And a gentleman has informed me, that in 1696, the notes of the Bank of England were ſo far from having eſtabliſhed their credit, that they paſſed at a diſcount. The anſwer of Themiſtocles has a pertinence to this ſubject, when conſulted by a man who wiſhed his opinion concerning propoſals of marriage to his daughter. Better a man of merit without money, than of money without merit. A good conſtitution will find finance: but finance will not find, or ſupply the want of a conſtitution.

There are many other points of a ſubordinate nature, and of local conſideration, which I leave to the friends of liberty in that country: as I do the more full and circumſtantiated explanation of the ſtate of France, previous to the revolution, their conduct at the time,

and

and the preſent ſtate of the people and government.

I ſhall obſerve, briefly, on ſome particulars reſpecting the Conſtitution, which has been formed by the National Aſſembly, and which ſtruck me as the events were made known, before I could be apprized of their effect on the mind of any other perſon.

Though I acknowledge that the Revolution itſelf was beſt conducted, and perhaps could only have been accompliſhed by a ſingle aſſembly, I thought, and the opinion continues, that for a permanent form of government, a ſenate would have been highly expedient as a check on precipitate deciſions, temporary influences of faction, and the miſchief of more fixed cabals, derived from a conformity of partial intereſts. A leaven of this kind in a ſingle legiſlative aſſembly, is in danger of acting ſecretly, until it corrupt the maſs before the danger has excited any competent degree of alarm. Mr. Burke, probably, does not hold the ſame views which would ſtrike me relative to the appointment and duration of this ſenate. Hereditary, I think, it ſhould not have been: nor even for life, but for a fixed and moderate period.

I almoſt

I almoſt liked as little as I find Mr. Burke does the circuitous mode of the choice of repreſentatives. To maintain the ſpirit, and to anſwer the deſign of election, the relation, I think, ought to be immediate between the conſtituent and the elector. Mr. Burke has given one of the moſt eſſential reaſons for this ſo well, that I think it cannot be ſtated more clearly, or with greater ſtrength *. And farther, to all complexity in a political ſyſtem, eſpecially in the popular part of it, if it were leſs liable to direct exception, it is ſufficient againſt it if it be unneceſſary. It will be the ſooner out of order: and the diſturbing cauſe will be leſs eaſily traced, and the conſequent miſchiefs with more difficulty repaired.

I was never eaſy with the confiſcation of the poſſeſſions of the church. And I think, independent of the preſent convenience, the offer of the clergy ought either to have been accepted, or without accepting any thing in the ſhape of compromiſe, or ſeizing any thing, the National Aſſembly ſhould have exerted itſelf in the diſcovery of leſs invidious reſources. The ſecurity of property to its preſent poſſeſſors, in the moſt trying circumſtances of a ſtate, is itſelf a grand reſource: and would have been a revenue worth more than all that was offered, or

* Page 277-279.

could

could be ſeized. A better diſtribution in reſpect of the body of the clergy, I think, does not cancel the objections to the ſeizure. The preſent poſſeſſors, in policy, and on higher conſiderations, ought, I think, to have been undiſturbed; unleſs, fairly and fully, any of them were convicted of crime: and it was not the ſeaſon to ſeek for ſuch convictions; which, in critical junctures, have the air of proſcriptions in diſguiſe.

With the abolition of titles and armorial bearings, I cannot profeſs myſelf pleaſed. They conveyed no claim to legiſlative authority independent of choice. They have ſome reference to domeſtic ſentiments of affection, and reſpect: ſome tendency to cheriſh the remembrance of public virtue, diſtinguiſhed in council and in the field. Many who poſſeſſed them, had not overlooked, in theſe artificial titles to reſpect, higher objects of generous ambition; but had diſintereſtedly, and with zealous alacrity, co-operated in the cauſe of freedom. They had levelled, to make place for her temple, and to fix its foundations, whatever of their own could really menace its ſecurity. That many of them bore agnominations, which dwelt in the public ear, accompanied with the animating remembrance of courage, wiſdom, and public virtue, from which they had not degenerated, could be no ſuch injury to the

public, at ſuch a criſis, as to require reſorting to a meaſure ſo very ſtrong. That no advantage, abſolute or imaginary, of any individual, ſhould be wreſted from him, if he can hold it conſiſtently with the public welfare and freedom, is an obvious truth, I acknowledge: but ſo are all truths of the firſt importance: and it will not, for that reaſon, the leſs merit to be repeated. The truths, which are ſimpleſt and the moſt general, and conſequently require the leaſt reflection, are too apt to take the ſlighteſt hold of the mind; to be ſooneſt loſt in the ferment of the paſſions, whether private or general; and to yield the moſt eaſily to the novelty of ſpecious wonders, ſuggeſting themſelves to the ardent mind in the purſuit of improvement.

If, in this inſtance, too little regard has been paid to prepoſſeſſions of one kind, too much ſeems to have been ſhewn in another to thoſe of a different kind. The qualification for the exerciſe of the elective right, in the firſt ſtage, the local value of three day's labour to the public, is too ſmall to be any pledge of independence *: and it infringes the principle which juſtly regards the choice of a repreſentative as a right attached to the perſon of the citizen, not to his property. This inconvenience is very ſerious: and the more, becauſe,

* Page 259.

once

once admitted in a new conſtitution, it has a tendency to furniſh a baſis for more and more reſtraints: though leſs ſo by its being eſtimated in labour, than if it had been appreciated in money.

The deputies to the National Aſſembly †, who are choſen by theſe primary aſſemblies in the Canton, ſending deputies to the Commune, who chuſe others to the department, by whom ultimately thoſe to the aſſembly are choſen, muſt pay in direct contribution to the value of a mark of ſilver: aand none can be elected to the Commune, who does not pay the amount of ten day's labour. Of theſe barriers of election and qualification, I fear Mr. Burke has expreſſed himſelf not more forcibly than juſtly, when he ſpeaks of them as impotent to ſecure independence: ſtrong only in deſtruction of the rights of men.

Without ſpeaking with ſuch warm cenſure as Mr. Burke, I confeſs myſelf, at leaſt, doubtful, whether a repreſentation, formed in three equal claſſes, on the diſtinct baſis of territory, population, and contribution, has any ſuch advantage as ſhould give it a clear preference to the ſimple proportion adjuſted by population only.

† Page 258-259.

With regard to the executive department, whether the taking the power, in the firſt inſtance, of peace and war, out of the hands of the King, will be conſiſtent with the independence and purity of the legiſlative counſels, with reſpect to foreign powers, ought not, I apprehend, to be too haſtily decided in the negative. The drawing of the ſword, and diſpoſing of the lives of the ſubjects of the ſtate, and of thoſe of other ſtates, by commencing war, is, indeed, a tremendous power to be entruſted to any individual: it is a power enabling the caprice or private reſentment of an individual ſo entruſted, to rob and murther on an unlimited ſcale, (the terms are harſher than I would uſe, if others would expreſs the fact) in the name of the community, and at the public riſque of territory, ſafety, and eſtimation. The ſubſequent check, by withholding of ſupplies, is found, as might be obviouſly preſumed, difficult in exerciſe, and of very doubtful effect *.

In caſe of ſudden invaſion the executive power muſt undoubtedly act on the emergency.

* I have ſince ſeen this treated by Dr. Towers with his uſual ability: and the limits marked with very ſatisfactory preciſion. Thoughts on the commencement of a new parliament. P. 34-7.

No law can be underſtood to derogate from this neceſſity of the national defence.

One remark only I ſhall make farther, which concerns the executive: and that relates to the judicial department. I cannot ſpeak unconcernedly of the purchaſe of an office in the adminiſtration of public juſtice. *Male ſemper Res geritur quum quod Virtute effici debeat id tentatur pecuniâ.* If the perſon purchaſing is incapable, it is an act of corruption to admit him; if capable, the honour of the public, and a due attention to the individual, require him gratuitouſly to be admitted to an employ, which, without the higheſt crime, he cannot exerciſe otherwiſe than gratuitouſly. Thus far, therefore, I think was wiſe and neceſſary. But I cannot ſee in the ſame view, the choice of judges elected for a ſhort period. I apprehend, the experience and independence required in the judicial character, militate againſt ſuch an inſtitution. He is to interpret laws, not to make them. There ſeems, therefore, no reaſon to diſmiſs him from his charge; as a repreſentative ſhould, at ſhort and certain periods, find himſelf obliged to return for the approbation, or rejection of his conſtituents*. Only proof of miſconduct, or

* The principle is clearly and forcibly expreſſed by *M. Calonne, De L'Etat de France*, p. 308-9. At ſuch an intereſting moment *Veritas, a quocunque dicitur, a DEO eſt:* is a maxim worthy of regard. There is much of political ſagacity in many of his obſervations.

of

of intervening incapacity, ſhould remove from the office: where its functions are exerciſed not ſummarily and in petty diſtricts, but generally, and with the intervention of juries, with all the ſolemnity of a public tribunal. And whatever ſubordinate magiſtracies may be expedient, ſuch judges appear neceſſary to the dignity, independence, and univerſal efficacy of public juſtice.

I think, therefore, Mr. Burke * appears to be well founded alſo in objecting to the want of adequate extent in the local comprehenſion of the new judicatures.

I have now offered whatever has occurred to me as chiefly worthy of attention in Mr. Burke's letter reſpecting the principles and effect of our Revolution; the conſtitutional inferences deducible from it; the leading points of popular right; and the principal defects, as they appear to me, in the conſtitution which has been recently introduced in France. If in theſe, or other points, it ſhall appear to the National Aſſembly, or to the people from whom they derive their powers, that the new conſtitution requires reform, I ſee no reaſon for doubting the exerciſe of that wiſdom and magnanimity, which the adoption of the neceſſary amendments would demand and imply. But with all its apprehended defects, and I have mentioned them

* P. 303, 304.

with

with a reſpectful and zealous frankneſs, I think it ſignally * preferable to the form of that government, (if form it might be called) in the place of which it ſtands.

Having concluded, with ſincerity I am ſure, and to the beſt of my judgment, theſe principal ſubjects of enquiry, I proceed to ſome of a more limited and private nature:—thoſe which relate to my rever'd friend Dr. Price, and thoſe remarks which are aimed at the two ſocieties, the Revolution and the conſtitutional, of which I have the honour to be a member.

With reſpect to Dr. Price, what I ſhall have here to ſay, will be only a teſtimony of my concern at the haſty and vehement expreſſions, (I wiſh I could ſtop there without a farther reflection which will preſent itſelf to the mind) which Mr. Burke has uſed towards a character, animated, I am convinced, with the pureſt attachment to the intereſts of humanity; a character, of which the known candour, mildneſs, and diſintereſtedneſs, ought to have exempted it from ſuch imputations, from any perſon who reſpects and loves the only genuine objects of affectionate eſteem; virtue, and benevolence.

* Dr. Towers, p. 96-9.

Dr.

Dr. Price, in the preface to the fourth edition of his ſermon, has anſwered all that ſeemed any way eſſentially to require an anſwer: by ſhewing that the joy which he expreſſed in his diſcourſe, was not occaſioned by the tumult and outrages in October 1789, but by the events of the 14th of July, and the ſubſequent days, when after the taking of the Baſtille the King ſought the protection of the National Aſſembly, and was conducted to Paris by his own deſire, amidſt acclamations never before heard in France, to ſhew himſelf to his people as the reſtorer of their liberties.*

The principles and obſervations of Dr. Price ſtand by their own ſtrength: his own clear, energetic language, will tranſmit them to poſterity with their juſt weight. I have already had occaſion to refer to ſeveral of them in theſe remarks.

Of the conſtitutional ſociety, and their reſolve, I have to ſay only, that they adopted with a general introductory vote the reſolve of the Revolution Society. The particular attention of the National Aſſembly was therefore naturally ſhewn to that ſociety which had firſt given its teſtimony to that great event, ſo intereſting to the friends of liberty, and of hu-

* Preface, p. 7.

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man happineſs, in every part of the globe. It was not between the two ſocieties a competition for praiſe. It was an united wiſh to expreſs their congratulations on an event of ſuch importance, in its general tendency, to the happineſs of a great neighbouring nation, and of human ſociety. I believe that the reſolve of the Conſtitutional Society was never formally voted for tranſmiſſion. I never heard that any member of that ſociety thought it ſlighted. But thus much may be obſerved:—That gentlemen who from habit and ſituation are under a neceſſity of ſaying much, are in danger of ſometimes ſpeaking without ſufficient information. This has happened. The Conſtitutional Society * has none of that kind of charity ſo liberally imputed to it; none of that merit with the Bookſellers of making books vendible, which would otherwiſe lie upon their hands. If it could relieve that fraternity from ſuch a load, it would be one of the richeſt ſocieties in the world: and conſequently, with Mr. Burke, who allows amply in the political ſcale for the weight of opulence, would fully authorize all the alarm and anxiety he expreſſes. The Conſtitutional Society has publiſhed few extracts from printed books: and thoſe generally from ſuch as had no need of their aſſiſtance. They have publiſhed addreſſes to the

* P. 3.

public,

public, reſolutions, and reports; relative chiefly to the election and duration of parliament. If at home Mr. Burke failed of this eaſy intelligence, it may very well be imagined (and it is aſſerted that it has happened) that he may have lamented the death of a victim to the revolution in France who is living and in health; and that he may have commiſerated innumerable calamities of that country, which have owed their exiſtence to the ſuggeſtion of thoſe phantoms which haunt the dreams of the anti-revolutioniſts.

The reſolves of both ſocieties are inſerted in the appendix: the public will ſee they are not applied to particular facts, or meaſures, ſubſequent to the revolution: but to the general aſpect and grand features of that ever memorable and unparalleled event. And if the acceſſion of an army, ſo long the great inſtrument of deſpotiſm, to the cauſe of riſing freedom; if ſweeping from the earth that adamantine fortreſs of inſidious and moſt cruel tyranny, the Baſtille; if the abolition of Lettres de Cachet; the vindication of liberty of conſcience: the introduction of liberty of the preſs; the trial by jury, where life, liberty, or reputation are concerned; the ſubſtitution of the repreſentative will of a great people in the place of the arbitrary will of an individual or of ſecret favoritiſm; the extinction

of

of ſeignoral privileges, and particularly of the game laws, thoſe oppreſſive and ignominious badges branded on the ſufferance of the community by fœdal tyranny;—if the recognition of the natural and civil rights of mankind, and the progreſs made towards reducing them to practice; if the pledge of peace and amity tendered by the new conſtitution as its firſt-fruit and perpetual vow to the ſurrounding nations; if the diffuſion of light, liberty, and happineſs, which ſuch an expanſion of the human powers, ſuch an emancipation of thirty millions of men promiſes to mankind; if theſe are not ſubjects of diffuſive joy, of rational gratulation, of benevolent triumph, I am at a loſs what event can take place, till the final diſſolution, at which a friend of liberty and of mankind can have cauſe to rejoice.

I have now concluded thoſe obſervations, which, at no eaſy hour, I thought due to the principles of freedom; to the conſtitution of this country;—worthy if its ſpirit were obſerved in its moſt eſſential branches, of no mean encomium;—to the ſituation and conduct of the people of France; and to thoſe, whether public bodies or individuals, who have expreſſed their congratulation on the fall of an arbitrary government, and their hope of ſucceſs to the united exertions of ſuch a people for eſtabliſhing a free conſtitution. I look for no

fame:—

fame:—and I have neither indulged the leiſure, nor employed the means, by which, on occaſions ſuch as this, fame is to be purchaſed: poignant raillery; artful inſinuation; the turns of expreſſion; the pomp of imagery; the management of the paſſions; the captivating preferences to wealth and ſtation. I am not inſenſible to the charms of ſtyle, and can admire the graces of compoſition. I am at this moment, however, occupied by other than theſe attentions: other employment of my thoughts prevented me till Tueſday from ſeeing the letter of Mr. Burke. But the general principles on which the queſtion muſt chiefly turn, I had not now for the firſt time to conſider. Be his the brilliant and dazzling arms; if I can oppoſe to their otherwiſe reſiſtleſs edge, the impenetrable ſhield of truth and freedom. To have merited the praiſe of elegance, if at laſt it could have been merited, much more time muſt have been devoted: but for all which is of ſerious moment, the ſubſtantial diſcuſſion of the moſt material points, poſſibly, if the hours devoted to it, though few, have not been ſufficient, more would have been employed in vain.

I hope it will appear, that the right of depoſing unjuſt Kings for their miſconduct; the right of the people to chuſe their governors, and to form their government, were included in

in the principles, and practically aſſerted by the event of the Revolution; that the change of the French government, from the rule of arbitrary will in an individual, to the free expreſſion of public conſent, the ſacrifice of the cruel privileges of the few to the equal rights of the nation, was a juſt ſubject of joy and congratulation, from all who look forward to the progreſſive emerſion of the human race, from the gloom of oppreſſion and the horrors of ſervitude; and that the individuals or public bodies, who have teſtified their ſatisfaction in the proſpects opened to mankind by ſuch an event, have by no means deſerved reproach. If theſe points are eſtabliſhed I have nothing, on this occaſion, to wiſh beyond.

George-ſtreet, Hanover-ſquare, 27 Nov. 1790.

CAPEL LOFFT.

APPEN-

APPENDIX, No. I.

EXTRACT

FROM THE

PROCEEDINGS

OF THE

REVOLUTION SOCIETY,

At their Anniverſary held at the London Tavern, Nov. 4, 1789.

The Rt. Hon. Earl STANHOPE in the Chair.

THE Committee concluded their report, with congratulating the members of the Society, as Britons and citizens of the world, upon that noble ſpirit of civil and religious liberty which had, ſince the laſt meeting, ſo conſpicuouſly ſhone forth on the continent; more eſpecially on the glorious ſucceſs of the French Revolution; and with expreſſing their ardent

ardent wiſhes, that the influence of ſo glorious an example may be felt by all mankind, until tyranny and deſpotiſm ſhall be ſwept from the face of the globe, and univerſal liberty and happineſs prevail.

Dr. Price then moved, and it was unanimouſly reſolved, that the following congratulatory addreſs to the National Aſſembly of France, be tranſmitted to them, ſigned by the chairman.

" The Society for commemorating the Revolution in Great Britain, diſdaining national partialities, and rejoicing in every triumph of liberty and juſtice over arbitrary power, offer to the National Aſſembly of France their congratulations on the Revolution in that country, and on the proſpect it gives to the two firſt kingdoms in the world, of a common participation in the bleſſings of civil and religious liberty.

They cannot help adding their ardent wiſhes of a happy ſettlement of ſo important a Revolution; and at the ſame time expreſſing the particular ſatisfaction with which they reflect on the tendency of the glorious example given in France, to encourage other nations to aſſert the unalienable rights of mankind, and thereby to introduce a general reformation in the government of Europe, and to render the world free and happy.

STANHOPE, CHAIRMAN.

APPENDIX, No. II.

At a General Meeting of the Society for Conſtitutional Information, held at the Secretary's, Taviſtock-ſtreet, Covent Garden, Friday, Nov. 27, 1789.

RICHARD SHARP, Eſq. V. P. in the chair.

Reſolved,

I. "That this Society cannot, conſiſtently with the ſenſe it entertains of the primary object of its inſtitution, be indifferent to the exertions of a neighbouring kingdom, for regaining to the community thoſe rights of repreſentation, the exerciſe of which had been long loſt.

II. "That this Society adopt with pleaſure, the underwritten reſolve of the Revolution Society."

Then followed the reſolve already inſerted, with the recital of the date and occaſion of the meeting, and with this preliminary clauſe:

"A report from the committee was brought up; and the following reſolution was moved by the Rev. Dr. Price, and unanimouſly approved:

"The Society for commemorating the Revolution in Great Britain, diſdaining," &c.—ending with the words, "free and "happy."

At a General ſemiannual Meeting of the Society for Conſtitutional Information, Dec. 16th, 1789.

JOSHUA GRIGBY, Eſq. M. P. Preſident, in the Chair.

Reſolved,

That this meeting feels itſelf powerfully impelled to expreſs its congratulations on the proſpect of a complete emancipation of human ſociety, from political and intellectual ſervitude.—A proſpect, manifeſting itſelf, as in other great inſtances, ſo eſpecially in the concurrent diſpoſition, which having been diſplayed in America is now pervading Europe, of reſiſting all reſtraints on the freedom of enquiry, or excluſion

ſion from the exerciſe of any civil rights on account of religious opinion.

APPENDIX, No. III.

The underwritten reſolves are ſo clearly and forcibly expreſſed, have ſuch reference to the principles of our revolution, as they appear to me, and compriſe ſo many, and powerful reaſons for preferring the new conſtitution of France to its late government, that I ſhall quote them without farther preface: and leave the reader to judge, whether he thinks the aſſertions of Mr. Burke's letter, to which they will be found either totally incompatible, or not eaſily reconcileable, without ſuch limitations as ſeem to render them nearly unimportant in practice, deſerve beſt to be adopted in the reaſoning and conduct of a nation attentive to its happineſs.

MANCHESTER CONSTITUTIONAL SOCIETY: INSTITUTED, OCTOBER, 1790.

Reſolution,

I. That in every civil community, the legitimate authority of the governors can only be derived from the conſent of the governed.

II. That the happineſs of the people governed, ought to be the ſole end and aim of all civil government.

III. That public honours and emoluments can only be due for ſervices conferred on the ſtate.

IV. That every perſon, from the higheſt to the loweſt, appointed to, and accepting of any office or truſt for the benefit of the community, is ultimately reſponſible to the people for the complete diſcharge of the duties of it.

V. That actions only, and not opinions, are the proper objects of civil juriſdiction.

VI. That no law or ſtatute can be fairly made, which is not enacted by and with the conſent of a majority of the people, given either expreſsly by themſelves, or by means of a full, fair, and adequate repreſentation.

VII. That the people of Great Britain are not fully, fairly, and adequately repreſented in Parliament; and that the defective ſtate of the repreſentation of this country, and the extended duration of Parliaments, require a ſpeedy and effectual reform.

APPENDIX, No. IV.

IN ſettling a conſtitution, theſe points are principally deciſive of the character to be attributed to the perſons charged with that moſt important truſt: the truth, comprehenſion, and diſtinctneſs of the principles; the order, diligence, deliberation, and fidelity in carrying them into effect: Their ſuitableneſs to the opinions and habits; their correſpondence with the rights and intereſts of the community; in the general outline, at leaſt; and the opportunity and encouragement given to public inveſtigation, and correction, with reſpect to errors, which may have taken place in the particular proviſions.

It is with a view of enabling the reader to decide, what the general value of the new conſtitution of France is, and what its comparative merit, as contraſted with the old government, that I have thought it expedient to lay before him the declaration of rights; and ſome other leading circumſtances in the formation of that political ſyſtem, which concerns the welfare of a people, great in every the moſt diſtinguiſhing feature of national greatneſs, which has already had its influence on the peace of the neighbouring nations, and which evidently muſt be expected to have permanent conſequences, relative to the tranquillity and liberties of Europe, and the progreſſive improvement and felicity of mankind. Thoſe who write

and

and act, as if they wiſhed to influence whatever can be excited, to the ſubverſion, if poſſible, of that form of government which the people of France, by a freer and more full delegation than appears ever to have taken place in a great community ſince the origin of political ſociety, have choſen, may allow themſelves, ſuppoſing it in any degree probable that their wiſhes ſhould be accompliſhed, to reflect what kind of government, by what means alone to be maintained, and to what ends, not internal merely but foreign, to be directed, they can reaſonably preſume would be ſubſtituted in its place. Not the monarchy, as it ſtood before the Revolution, with its reſtraints from cuſtom and opinion, though not from poſitive inſtitution; not a mixed form, analogous to that of England, or of any country which partakes of freedom, ſecured by any tolerable proportion of equal, and generally protective policy; but ſome mode of undiſguiſed and unqualified tyranny: probably a military ariſtocracy, ſupported by the worſt part of the late eccleſiaſtical eſtabliſhment, jealous, vindictive, bigotted; and diverting inceſſantly that ſtrength and thoſe reſources of the nation, (if in ſuch a convulſion as muſt be neceſſary to ſubvert the preſent government, any ſhould remain,) which they muſt always contemplate as hoſtile to themſelves, in attempts againſt the peace of the ſurrounding communities. But if, in ſuch a ſtruggle, the credit, manufactures, commerce, arts, population, ſtrength and ſpirit of that nation, whom it is neither magnanimous nor politic to conſider merely as rivals, ſhould be reduced to a lowneſs which would prevent it from being of any weight in the ſyſtem of Europe, thoſe who can entertain ſuch a proſpect with complacency, muſt have ſtrange ideas of the wealth and proſperity of the members of the political body in this part of the globe, when they would found their hopes of it in the wretched debilitation of one of its chief parts.

My view, in the whole of the preceding tract, and in thoſe extracts which I have now to offer, has been to prove, that the fall of the late arbitrary government of France, and the efforts for eſtabliſhing a free and equal government in its room, far

from meriting horror, execration, and contempt, deſerved the cordial gratulation, and if requiſite, the aſſiſtance, of the friends of freedom, in this country, and in every part of the globe.

Declaration of the Rights of Men and of Citizens, contained in the Report of the Committee of Conſtitution, read by Monſ. Mounier in the National Aſſembly, July 9, 1789*.

The repreſentatives of the people of France, formed into a National Aſſembly, conſidering that ignorance, neglect, or contempt of human rights, are the ſole cauſes of public misfortunes and corruptions of government, have reſolved to ſet forth, a in ſolemn declaration, thoſe natural, unalienable, and ſacred rights of man †; that this declaration being conſtantly preſent to the minds of the members of the body ſocial, they may be ever kept attentive to their rights and their duties: that the acts of the legiſlative and executive powers of government, being capable of being every moment compared with the end of political inſtitutions, may be more reſpected: and alſo, that the future claims of the citizens, being directed by ſimple and inconteſtible principles, may always tend to the maintenance of the conſtitution, and the general happineſs.

For theſe reaſons, the National Aſſembly doth recognize and declare, in the preſence of the Supreme Being*, and with

* Addreſs of the National Aſſembly, with Appendix of authentic documents, London, 1790. *L'Aſſemblée Nationale aux François*, 11 *Fevr.* 1790, deſerves to be read wherever there is a taſte for the eloquence of the heart, of truth, and freedom.

† Mr. Burke objects, that the more the deſcription of theſe rights is metaphyſically true, it is morally and politically falſe. I have been accuſtomed to conſider politics as a part of ethics, and ethics as a part of metaphyſics. It cannot be the abſtract perfection of theſe principles, which renders them falſe: any more than geometrical definitions are falſe, becauſe in practice we are never ſure of more than approximation to them. And Mr. Burke intimates, if not expreſſes, his own political principles as generally as any others can be received.

* In the preſence of the Supreme Being.—If the majority of the National Aſſembly had conſiſted of ſuch men as Mr. Burke in language which

the hope of his bleſſing and favour, the following ſacred rights of men and of citizens.

I. Men were born, and always continue free, and equal in reſpect to their rights; civil diſtinctions, therefore, can be founded only on public utility.

II. The end of all political aſſociations is the preſervation of the natural and impreſcriptible rights of man; and theſe rights are, liberty, property, ſecurity, and reſiſtance of oppreſſion.

III. The nation is eſſentially the ſource of all ſovereignty: nor can any individual, or any body of men, be entitled to any authority which is not expreſsly derived from it.

IV. Political liberty conſiſts in the power of doing whatever does not injure another. The exerciſe of the natural rights of every man has no other limits than thoſe which are neceſſary to ſecure to every other man the free exerciſe of the ſame rights; and theſe limits are determinable only by the law.

V. The law ought to prohibit only actions hurtful to ſociety. What is not prohibited by the law, ſhould not be hindered; nor ſhould any one be compelled to what the law does not require.

VI. The law is an expreſſion of the will of the community. All citizens have a right to concur, either perſonally, or by their repreſentatives, in its formation. It ſhould be the ſame to all, whether it protects or puniſhes; and all being equal in its ſight, are equally eligible to all honours, places,

which †, in reſpect to him, and much more to that Aſſembly, I ſhall not repeat, has ſuggeſted, is it credible they ſhould have inſulted the nation, and expoſed themſelves, without any colour of neceſſity, by ſuch a ſolemn profeſſion? But I do not believe, that either choice or misfortune could have aſſembled, from the whole territory of France, a number equal to the majority of the National Aſſembly, compoſed of ſuch men as Mr. Burke has repreſented.

† P. 132, 165—8, 207, 208 243—6.

and

and employments, according to their different abilities *, without any other diſtinction than that created by their virtue and talents.

VII. No man ſhould be accuſed, arreſted, or held in confinement, except in caſes determined by the law, and according to the forms which it has preſcribed. All who promote, ſolicit, execute, or cauſe be to executed, arbitrary orders, ought to be puniſhed; and every citizen called upon or apprehended by the law, ought immediately to obey, and renders himſelf culpable by reſiſtance.

VIII. The law ought to impoſe no other penalties than ſuch as are abſolutely and evidently neceſſary *; and no one ought to

* Mr. Burke thinks, that the exceptions which can exiſt to the rule of conferring public employ on men of a certain rank and circumſtances, are very rare. They will be rare, (if juſtice is done to the ſtate and the individual) or frequent, according to the rareneſs or frequency of the inſtances to be found of information and public ſpirit in the body of the community. That people muſt be in an unhappy and degraded ſtate, and the vices which have found its way into the government and conſtitution, muſt be great indeed, if the maſs of which it is compoſed has ignorance, careleſſneſs, and corruptneſs, with reſpect to the political rights, either of general or of that particular ſociety, of which they are members, the prevailing character of the individuals who compoſe it. Wherever this is, without exaggeration, the fact, it will be in vain to enquire for the political abilities, the great, pure, and enlightened principles of the men of rank and opulence in ſuch a community.

† Upon this rule it may not be difficult to juſtify what is lamented by Mr. Burke as an inexcuſable omiſſion in the National Aſſembly; the not having ſent to the gallies the author, and to the houſe of correction the actors, in a dramatic repreſentation, in which the Cardinal of Lorraine, a rebel and a murderer, in Mr. Burke's idea of him †, was repreſented in his robes of function, ordering general ſlaughter and the maſſacre of St. Bartholomew, was exhibited as an object of abhorrence. He ſuggeſts a reaſon why this ought to have been done, from the multitude of prieſts and prelates who ſat in that aſſembly. Perhaps it was not thought thoſe prieſts and prelates would have been choſen, or would have accepted a ſeat there, if they had felt themſelves intereſted in vindicating the honour of that enormous act of perfidious, bigotted cruelty. With ſimilar probability he ſuppoſes, that this repreſentation was deſigned not to convey to

† P. 211.

the

to be puniſhed but in virtue of a law, promulgated before the offence, and legally applied.

IX. Every man being preſumed innocent until he has been convicted, whenever his detention becomes indiſpenſible, all rigour againſt him more than is neceſſary to ſecure his perſon, ought to be ſtrictly provided againſt by the law.

X. No man ought to be moleſted on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not diſturb the public order eſtabliſhed by the law *.

XI. The unreſtrained communication of thoughts and opinions being one of the moſt precious rights of man, every citizen may ſpeak, write, and publiſh freely, provided he is reſponſible for the abuſe of this liberty, in caſes determined by the law.

XII. A public force being neceſſary to preſerve the rights of men and citizens, that force is inſtituted for the benefit of the community, and not for the particular benefit of the perſons with whom it is entruſted.

XIII. A common contribution being neceſſary for the ſupport of the public force, and for defraying the other expences of government, it ought to be divided equally among the members of the community, according to their abilities.

the public feelings an abhorrence of perſecution, and of the effuſion of blood, but to excite to ſimilar practices.

It may be here obſerved, that far from terminating in vague and inapplicable theories, this (the 8th) and the following reſolve have a direct reference to practice, in caſes of the moſt frequent occurrence and moſt affecting importance to the individual in his relation to civil ſociety: caſes, however, which have hitherto been almoſt univerſally neglected by all communities, and are greatly ſo by our own.

* Dr. Price, with his uſual penetration and impartial attention to the rights and intereſts of mankind, has intimated the defects of the 10th and 11th article ‡.

‡ Diſcourſe on the Love of our Country, App. p. 9.

XIV. Every

XIV. Every citizen has a right, either by himſelf or his repreſentative, to a free voice in determining the neceſſity of public contributions, the appropriation of them, and their amount, mode of aſſeſſment, and duration.

XV. Every community has a right to demand, of all its agents, an account of their conduct.

XVI. Every community, in which the ſeparation of powers is not determined, nor a ſecurity of rights provided, wants a conſtitution.

XVII. The right to property being inviolable and ſacred, no one ought to be deprived of it, except in caſes of evident public neceſſity, legally aſcertained, and upon condition of a previous juſt indemnity.

Extract from Decrees, paſſed 17th of June, 1789.

The Aſſembly find, upon the reſult of the verification of their powers, that they are the repreſentatives of ninety-ſix parts out of an hundred of the whole nation. Such a maſs of repreſentation ought not to remain inactive on account of the abſence of the deputies of ſome bailiwicks, or of ſome claſſes † of citizens: becauſe the abſent, who have been called over, cannot hinder the preſent from exerciſing the plenitude of their rights; eſpecially when the exerciſe of thoſe rights is a preſſing and imperious duty.

The denomination of the National Aſſembly is the only one which is ſuitable to the preſent ſtate of things .... The national repreſentation being one and indiviſible, none of its deputies, in whatever order or claſs they may be choſen, have a right to exerciſe their functions ſeparately from the preſent Aſſembly†.

† Page 32.

† This alludes to the nobleſſe and clergy refuſing to ratify their powers jointly with the deputies of the Tiers Etat. Calonne, p. 318—20.

Extract

Extract from the Report of the Committee, read 9th of July, 1789.

A conſtitution, to be a good one †, muſt be founded on the rights of men, and muſt evidently protect them. To frame ſuch a conſtitution, we muſt notice thoſe rights which natural juſtice grants to every individual; we muſt lay down thoſe principles which ſhould form the baſis of every kind of ſociety; and each article of the conſtitution muſt be clearly deduced from ſome principle. A great number of modern civilians call the ſtatement of theſe principles a declaration of rights.

The committee think, that it would be proper, in order to point out the object of our conſtitution, to preface it by a declaration of the rights of man; but to place it in the form of a preamble, at the head of the articles of the conſtitution, and not to preſent it ſeparately. The committee think, that this laſt mentioned plan would have little utility; and might be inconvenient: that abſtract and philoſophical ideas, unaccompanied by conſequences, might give room for the ſubſtitution of others, different from thoſe which would be admitted by the Aſſembly: that by not decreeing definitively the declaration of rights until the moment in which the examination of all the articles of the conſtitution ſhould be finiſhed, they would have the advantage of combining, more exactly, every thing which ought to be admitted into their general expoſition of principles, and received as a legitimate conſequence of thoſe principles.

This declaration ſhould be ſhort, ſimple, and preciſe.

Here the committee ſhould communicate their views as to the direction of the aſſembly's proceedings, with regard to the conſtitution. This is a matter of too great importance not to require the aid of all the light that can be thrown upon it. It would be highly dangerous to devolve upon a committee the care of drawing up the plan of the conſtitution, and then to come to a deciſion upon it in a few ſeſſions. The fate of

† Page 48.

twenty

twenty-four millions of men ought not thus to be expoſed to the riſque of precipitate deliberations. It would be more agreeable to prudence to eſtabliſh a committee of correſpondence, which ſhould meet at certain times, to compare the opinions which might appear to prevail in different Bureaus; and who ſhould endeavour, by theſe means, to procure a certain uniformity of principles. As the articles of the conſtitution ſhould be moſt intimately connected with each other, no ſingle article of them can be decreed until all of them have undergone the moſt mature conſideration. The laſt article may occaſion ſome reflections upon the firſt, which may require ſome change or modification in it. The diſcuſſion of the articles of the conſtitution, will, perhaps, conſume a conſiderable portion of time: but no motive ought to induce us to act with precipitation. The greateſt of all evils to which we could be expoſed, would be a vicious conſtitution. But that we may not be ſuppoſed to be in a ſtate of inactivity, whilſt our moſt important intereſts are in agitation, and the more eaſily to procure to all the members of this aſſembly the means of mutually acquiring and communicating information, three general ſeſſions ſhould be held every week, in which thoſe topics ſhould be publicly debated which have undergone a previous diſcuſſion in the Bureaus. By this conduct we ſhall unite many advantages: we ſhall act agreeably to our principles: and ſhall profit by the information of thoſe who wait for new inſtructions to vote in this aſſembly. They will, doubtleſs, be eager to communicate to us their reflections: and, during this examination, they will find that time which is neceſſary to obtain a greater degree of liberty, without reſtraining, by this conſideration, the activity of this aſſembly, which ought never to be ſuſpended.

Extract

Extract from another Part of the Report.

Ought we firſt to be employed in forming a conſtitution or in making laws * ? Surely the choice is not difficult . . . . If we were to begin upon thoſe articles of legiſlation contained in our reſpective inſtructions, we ſhould give riſe to a great number of queſtions . . . . In the diverſity of objects which would preſent themſelves at once we ſhould be obliged to decide which of them were of the greateſt importance. There would be no end to our diſcuſſions: and the reſtoration of public credit would be retarded; ſince we cannot enter upon the buſineſs of the neceſſary ſupplies till we have eſtabliſhed a conſtitution. Thoſe who know the value of time, and wiſh to guard againſt all contingencies, always ſelect out of ſuch actions in which they intend to be engaged, ſuch as are indiſpenſably neceſſary, before they paſs to others which are merely uſeful, or will admit of delay.

Certainly, the evils which our fellow-citizens endure call for new laws: but it is of much leſs importance to make laws than to ſecure the execution of them: and laws will never be executed till arbitrary power is deſtroyed by a well-regulated form of government. Beſides, there is no important law which does not require the co-operation of the different powers, and which is not modelled agreeably to their organization. It is doubtleſs, to be lamented, that we cannot, in a ſingle ſeſſion, do all the good to which zeal would animate us: but let us, at leaſt, do what is evidently neceſſary. There are no evils for which liberty does not offer a conſolation; no advantage which would compenſate its loſs . . . . When once liberty ſhall be fixed, and the legiſlative power determined, good laws will naturally follow. By ſecuring the periodical return, or continuance of national aſſemblies; by determining their form and compoſition; by regulating the bounds of every kind of pow-

* Page 46.

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er;—theſe are the methods by which liberty is to be eſtabliſhed."

Great Branches of Reform already effected; and concerning which it is preſumed few will diſagree.

The abolition of arbitrary and partial impoſts.

The abolition of lettres de cachet, and all other means by which perſons were liable to ſevere and indefinite puniſhments without trial or enquiry.

The deſtruction of the baſtille, and of all other places of cruel and inextricable confinement, in which perſons innocent or meritorious, might languiſh out their lives in extreme ſuffering and deſpair, without their imputed crimes, their accuſers, their ſituation, their life or death being known to the public, or to any intereſted in their relief.

The abolition of unknown and unlimited penſions for no ſervice, or the worſt injuries to individuals, and crimes the moſt dangerous againſt the community.

The extinction of venal hereditary offices of juſtice.

The ſurrender of local provincial privileges, incompatible with a general ſyſtem of national conſtitution.

The eſtabliſhment of trial by jury in criminal caſes.

The eſtabliſhment of a repreſentation of the people, full, free, and equalized in a very high degree.

Other Branches of Reform,

already executed, concerning which it is preſumed a great part of the conſiſtent friends of freedom and human happineſs will agree.

The encouragement to freedom of enquiry.

The ſuppreſſion of the ſummary, arbitrary, and local power of adminiſtering juſtice in confined limits, and not ſubject to the public eye, exerciſed by lords of manors.

The ſuppreſſion of the game laws,

The

The ſuppreſſion of other partial, arbitrary, and oppreſſive privileges over the perſons and property of the people.

The abolition of firſt fruits and dues to the Pope: as a badge of dependance on a foreign juriſdiction.

The ſuppreſſion of plurality of benefices.

The abolition of tythes: and the ſubſtitution of a proviſion for the clergy, leſs diſcouraging to agricultural improvement, leſs injurious to the effect of their inſtructions, and more compatible with peace and good intelligence between them and their pariſhioners.

The removal of private patronage in the public office of religious inſtruction.

Let the whole be conſidered, and with all deductions of defects or poſitive errors, (ſuch as have principally appeared in that light have been already intimated) if any framers of a new conſtitution have acted for a great people under a more full, free, and equal delegation, with more energy, more liberal views, more fortitude, more fidelity * and deſire of public information, let thoſe who point to ſuch not fail to announce them: thoſe who cannot may be rationally expected to be candid in their interpretation and temperate in their cenſure, if they would entitle themſelves to the confidence and eſteem of the public, or would render ſervice to France, or to any other country, by their reflections. For many of thoſe of Mr. Burke I have teſtified a ſincere reſpect: and ſhould be concerned, perhaps more than many of his friends, if their utility ſhould be impaired, to the degree which may be feared, by any immode-

* Their diſintereſtedneſs has been applauded in the higheſt terms in a letter to Earl Stanhope; which, from the ſtyle and ſentiments, the public judgment has, with reaſon, referred to one of the firſt writers of our age. Vide p. 90—1.

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rate and repulſive vehemence in the mode of conveying them. I am more concerned than ſurprized if, amidſt the ſtorms of ſtate and the irritation of parties, the equanimity of the philoſophic politician has been, for the time at leaſt, overcome; though much of the ſagacity and philanthropy of that character is ſtill retained.

Saturday, 4th December, 1790.

THE END.